

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICARDO GUTIERREZ,  
Plaintiff,

-v-

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,  
Defendant.

21-CV-3211 (JPO)

ORDER ADOPTING REPORT AND  
RECOMMENDATION

J. PAUL OETKEN, District Judge:

Plaintiff Ricardo Gutierrez brings this action against the Acting Commissioner of the Social Security Administration (“SSA”) for review of the SSA’s final decision finding that he is not disabled for purposes of entitlement to Supplemental Security Income. (Dkt. No. 2.) On September 29, 2022, Magistrate Judge Valerie Figueredo issued a Report and Recommendation recommending that the Court deny the Commissioner’s motion for judgment on the pleadings, grant Plaintiff’s cross-motion for judgment on the pleadings, and remand the case to the Commissioner for further administrative proceedings. (Dkt. No. 28.)

No party filed a timely objection to the Report; therefore the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also Borcsok v. Early*, 299 F. App’x 76, 77 (2d Cir. 2008). Magistrate Judge Figueredo’s thorough and well-reasoned Report presents no such errors and is therefore fully adopted by this Court.

Accordingly, the Court hereby ADOPTS Judge Figueredo’s Report and Recommendation in full. The Commissioner’s motion for judgment on the pleadings is DENIED; Plaintiff’s cross-

motion for judgment on the pleadings is GRANTED; and the case is hereby REMANDED to the Commissioner for further administrative proceedings.

The Clerk of Court is directed to close the motions at Docket Numbers 17 and 24 and to close this case.

SO ORDERED.

Dated: November 9, 2022  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge